

### REMARKS/ARGUMENTS

The claims have been formally amended in an effort to define the disclosed subject matter more clearly and to comply more fully with U. S. practice.

The rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Hopkins, cited, is respectfully traversed. The claim is directed to a safety ski binding in which manually altered settings of the safety values (the so-called Z numbers) are logged in a non-volatile memory system. This is not suggested by the Hopkins teaching.

Hopkins discloses a ski binding in which permanent magnets hold the ski boot in the binding. Electromagnets controlled by a micro-controller enable the ski boot to be released from the binding. The micro-controller is programmed to react to various potentially dangerous situations. Referring to Hopkins, manual release button 52 does **not** store manually altered settings of the safety release values detected by sensors 48, and such settings are **not** logged in EPROM 50.

One of the advantages of applicant's safety ski binding is the fact that the safety setting is electronically evaluated and logged in a non-volatile memory for subsequent checking or

control. For example, an authorized control point or the user of the safety ski binding may check at any time whether the originally valid or pre-set safety value have been altered. This establishes a quasi "electronic log book," which enables authorized persons or the user to learn about such altered values. Furthermore, the prevailing status and safety settings logged in the non-volatile memory can be checked in case of a product liability claim, thus clarifying the situation. In this respect, it is valuable that the logged data are always in the safety ski binding and may be read and validated in the non-volatile memory. Thus, claim 1 is respectfully submitted to distinguish patentably over Hopkins. For the Examiner's information, the Hopkins patent was cited during the prosecution of the corresponding Austrian patent application merely as technological background (state of the art).

Claim 2 also distinguishes patentably over the cited patent. Contrary to the Examiner's interpretation, this claim is not directed to **sensors** in the toe and heel bindings but to **electronic evaluation devices** in both bindings.

As to claim 3, electromagnets 38, 40 are not separate power supplies and transmitter and/or receiver devices.

Claim 4 calls for a display device, and no such device is suggested in the patent passage cited by the Examiner against this claim. The same holds for claim 5 since, as indicated hereinabove, Hopkins nowhere suggests logging **any** safety release value.

As to claim 6, col. 8, lines 8-18, describes a power supply embodied in nicad or lithium batteries, which has nothing to do with the claimed electronic date and/or time module.

Like comments apply to claims 7-14, the combination of the claimed features with those of claim 1 being foreign to the Hopkins teachings. Therefore, each dependent claim is respectfully submitted to be patentable on its own merit.

Applicant has advised his agent that the following references are of record in corresponding applications: EP 0 580 021 A1 and 1 273 324 A1, FR 2 823 986, DE 43 30 302 A1 and 44 46 260 A1, and U.S. patent No. 4,851,706 (copies enclosed). Except for EP 1 273 324 and DE 44 46 260, these references were cited merely as technical background in the corresponding French patent application, and they are not believed to be pertinent to the claimed subject matter.

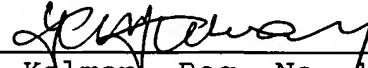
EP 1 273 324 discloses a safety binding for holding a person or a first object on a further object. It comprises a unit for monitoring an event produced by the person or object, which impacts the safety binding, and an evaluation device for evaluating such an event. An event exceeding pre-set or calculated limit values for such events will release the person or object from the binding. The monitoring and evaluation is effected by micro-controllers which control the release. This reference does not suggest the claimed system.

DE 44 46 260 discloses a safety ski binding in which the forces acting on the binding are measured by piezo-crystals. In dependence on the measured forces, the binding is released by explosive force. The forces are electronically measured and the measured values are electronically evaluated to ignite the explosion. The program of the software-driven micro-controller may be stored in an EPROM or EEPROM memory. This reference, too, does not suggested the claimed system.

Applicant attaches a check for \$180.00 for late filing of the Information Disclosure Statement.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claims 1-14 are respectfully solicited.

Respectfully submitted,  
HELMUT HOLZER

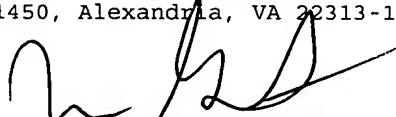


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Enclosure: Form 1449 and references

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on November 3, 2005.



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